IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4309 of 2005

Between:

K. Nanjundappa, S/o. K. Venkaiah,
R/O. Flat No. 104, Priya Apartments, New Bakaram, Hyderabad.

..... PETITIONER

AND

The Government of Andhra Pradesh, Rep. by its Special Chief Secretary, GAD Department,
Secretariat, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Certiorari calling for the records pertaining to O.A.No. 3313 of 2004 and quash the same insofar as leaving it open to the GOVERNMENT to consider the review application according to law and further set aside the Memo No.I 50665/SCF/99-2 dated 11/10/99 and consequently direct the respondent to provide him an opportunity of review afresh.

Counsel for the Petitioner:MR.Y.S.VENKATA RAO

Counsel for the sole Respondent .: GP FOR Services-II

The Court at the admission stage made the following :

O R D E R:(**Per G.Bikshapathy, J**)

This writ petition is filed assailing the order passed by the A.P Administrative Tribunal in O.A.No.3313 of 2004, dated 15-02-2005.

2 . The only question that arises for consideration is whether the person who conducted the enquiry can act as an appellate authority consequent on the order of punishment.

3. In the instant case, the Commissioner of Enquiries by name Mr.Ananda Rao, was appointed as Enquiry Officer to enquire into the charges framed against the petitioner and to submit a report. On 9-9-1987, the petitioner submitted his representation. After considering his representation, the Government passed orders in G.O.R.t.No.506, G.A.(OP.I) Dept., dated 2-2-1990 for stoppage of two annual grade increments without cumulative effect. Thereafter, the review sought for by the petitioner was also rejected by the Government vide Memo, dated 11-10-1999.

4 . It is the case of the petitioner that even though an objection was taken, the Enquiry Officer, who subsequently became the Chief Secretary to Government, passed orders in the appeal in the capacity of the appellate authority. Aggrieved by the said order, dated 11-10-1999, the petitioner approached the Tribunal and the Tribunal accepting the deficiency, directed the Government to take action according to law.

5. Aggrieved by the same, this writ petition is filed.

6. Having heard the learned counsel for the petitioner and the learned Government Pleader, we are of the considered view that the matter can be disposed of without any further adjudication. As Mr.Ananda Rao acted as Chief Secretary to Government and now some other person was appointed in his place, the order passed by the Chief Secretary, dated
11-10-1999 is set aside and the matter shall now be considered afresh by the present Chief Secretary after giving an opportunity to the petitioner and pass appropriate orders.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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G.Bikshapathy.J.,

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P.S.Narayana.J.,

Dated 9th March, 2005.

mrb

To

1. The Special Chief Secretary, Government of Andhra

Pradesh, GAD Department, Secretariat, Hyderabad.

2. Two CCs to G.P for Services-II, High Court Buildings,

Hyderabad(OUT).

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.

3. Two CD copies.